

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2020 JUN -2 PM 3:49
MARGARET BOTKINS, CLERK
CHEYENNE

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT ALLEN APPLEBY,

Defendant.

CRIMINAL COMPLAINT

Case Number: 20-MJ-41-F

I, Kyle LaTulippe, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.


On or between June 20, 2019, and on or about December 5, 2019, in the District of Wyoming, the Defendant, **SCOTT ALLEN APPLEBY**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely, a Ruger revolver bearing serial number 572-19059, and the firearm was in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives and that this complaint is based on the following facts:

(See attached Sworn Statement)

Continued on the attached sheet and made a part hereof.



Signature of Complainant
KYLE LATULIPPE

Sworn to before me and subscribed via telephone,

June 2, 2020

Date

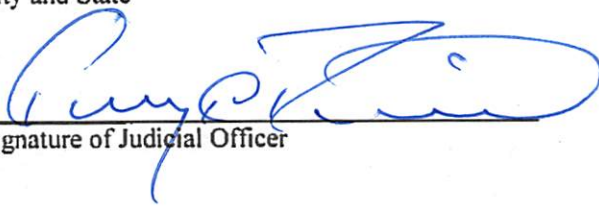
at

Cheyenne, Wyoming

City and State

HON. KELLY H. RANKIN
Chief United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

**SWORN STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT
SPECIAL AGENT KYLE LATULIPPE
U.S. v. SCOTT ALLEN APPLEBY**

1. I was a Federal Air Marshal (FAM) from March, 2009 to January, 2016. In that capacity I was a Visual Intermodal Prevention and Response (VIPR) team member, international team leader, and held other positions. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. In 2016, I arrived at the Cheyenne, Wyoming ATF Field Office as an ATF Special Agent. Since starting as a special agent, I have participated in multiple investigations involving the illegal possession of firearms. I have been involved in multiple ATF investigations as the lead agent and as an agent assisting other lead agents.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. On December 4, 2019, T.M. informed Officer Randy Brown of the Buffalo Wyoming Police Department (BPD) that T.M.'s common law husband, Scott APPLEBY, had struck T.M. in the head with a firearm. T.M. informed Officer Brown that T.M. and APPLEBY lived together at 585 Fort St., #10, Buffalo, WY 82834. T.M. stated that T.M. and APPLEBY got into an argument, and when T.M. attempted to leave APPLEBY followed T.M. to T.M.'s vehicle. APPLEBY pointed a firearm at T.M. saying "I'll shoot your ass right now." T.M. exited the vehicle and then APPLEBY struck T.M. in the head with a firearm. T.M. told Officer Brown that

APPLEBY unloaded the firearm and threw it at T.M. T.M. retrieved the firearm and walked to the Johnson County Criminal Justice Center.

4. T.M. stated that APPLEBY had struck T.M. the night before on December 3, 2019, and APPLEBY had choked T.M. multiple times that night as well. Officer Brown observed a visible wound above T.M.'s left ear where T.M. stated T.M. was struck with the firearm. Officer Brown also observed bruising to T.M.'s eye. The firearm was a Kimber, .380 caliber pistol, S/N P0081334 and was retained for safe keeping by BPD. APPLEBY was arrested on December 4, 2019, for aggravated assault, strangulation of a household member and domestic battery.

5. On December 5, 2019, T.M. brought a Ruger, model SP101, .357 caliber revolver, S/N 572-19059 to BPD. T.M. stated that the Ruger was APPLEBY's and that T.M. would like BPD to keep it until further notice.

6. On April 22, 2020, BPD transferred evidence they obtained regarding APPLEBY to ATF. One piece of evidence was a bill of sale for the aforementioned Ruger firearm. The bill of sale indicated that L.S. sold the Ruger firearm to APPLEBY on June 20, 2019.

7. On May 14, 2020, I reviewed the following documents from Tehama County, California: Acknowledgement of Rights and Defendants Waiver for Entry of Guilty Plea; Sentencing order; finger print card. These documents pertained to a felony conviction for Scott APPLEBY. The Acknowledgement of Rights and Defendants Waiver for Entry of Guilty Plea from June 15, 1998, showed a guilty plea for California Health and Safety Code, Section 11377 (possession of a controlled substance). The Sentencing Order from July 20, 1998, showed a convicted charge of Possession of a Controlled Substance. APPLEBY was sentenced to two (2)

years in prison. On that same day, I reviewed a finger print card from the Johnson County Detention Center (JCDC) Wyoming from APPLEBY's arrest on December 4, 2019. That arrest related to APPLEBY possessing a firearm in violation of federal law on December 4, 2019. I compared these documents and biographical data, and determined that the Scott APPLEBY who was arrested on January 13, 1998, and subsequently convicted of a felony on July 20, 1998, was the same Scott APPLEBY who possessed a firearm on December 4, 2019, pursuant to his arrest.

8. ATF SA Jessica Akerson determined that the aforementioned Ruger firearm was manufactured in Newport, NH, and therefore traveled in and affected interstate commerce.

END OF SWORN STATEMENT

PENALTY SUMMARY

DEFENDANT NAME: SCOTT ALLEN APPLEBY

DATE: June 2, 2020

INTERPRETER NEEDED: No

VICTIM(S): No

OFFENSE/PENALTIES: 18 U.S.C. §§ 922(g)(1) and 924(a)(2)
(Felon in Possession of a Firearm)

0-10 Years Imprisonment
Up To \$250,000 Fine
3 Years Supervised Release
\$100 Special Assessment

AGENT: Kyle LaTulippe, ATF

AUSA: Stuart S. Healy III, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: More than 5 days

WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE: Yes

ARE THERE DETAINERS FROM OTHER JURISDICTIONS: No